

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to OWI and implied consent

The Department of Transportation hereby amends Chapter 620, “OWI and Implied Consent,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 307.12 and 321J.20.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321J.20.

Purpose and Summary

This rule making amends Chapter 620 to conform the rules with 2020 Iowa Acts, House File 2411, sections 1 to 3, which amend Iowa Code section 321J.20 to remove participation in the 24/7 sobriety and drug monitoring program (24/7 program) as a condition of obtaining a temporary restricted license (TRL) while serving a driver’s license revocation for an operating while intoxicated (OWI) offense or as a condition of reinstatement after an OWI revocation. The purpose of the legislation is to improve the effectiveness of the 24/7 program. Prior to the 2020 legislation, a person could avoid being subject to the requirement to participate in the 24/7 program by declining to obtain a TRL, which also unintentionally resulted in fewer OWI offenders seeking a TRL. The 2020 legislation now provides the court with the authority to require an eligible OWI offender to participate in the 24/7 program regardless of whether that offender is also eligible for a TRL.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 16, 2020, as **ARC 5311C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on January 20, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa as it conforms with 2020 Iowa Acts, House File 2411, sections 1 to 3, which remove participation in the 24/7 sobriety and drug monitoring program as a condition of obtaining a driver’s license while under revocation for or reinstating from an OWI offense.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on March 17, 2021.

The following rule-making actions are adopted:

ITEM 1. Rescind paragraph **620.3(1)“c.”**

ITEM 2. Rescind subrule **620.5(8)**.

ITEM 3. Rescind and reserve rule **761—620.17(321J)**.

ITEM 4. Amend **761—Chapter 620**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A; and 321J as amended by 2019 Iowa Acts, Senate File 364, section 1; and 901D as amended by 2019 Iowa Acts, Senate File 364, section 2; and sections 321.193, 321.201, 321.376 and 707.6A.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/10/21.